

Serial No. 10/801,273

Amend. In Resp. to Off. Act. Of Aug. 5, 2008

UTILITY PATENT

B&D No. JK01488A

REMARKS

Applicants have amended Claim 1. Currently in the above-identified application are Claims 1-7 and 34-35.

The Examiner rejected Claims 1, 4 and 6-7 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,357,834 ("Ito") in view of US Patent No. 5,850,698 ("Hurn"). The Examiner also rejected Claims 2-3 and 34-36 under 35 USC § 103(a) as being unpatentable over Ito in view of Hurn, and further in view of US Patent No. 3,611,859 ("Avakian") or US Patent No. 2,925,104 ("Allemanann"). In addition, the Examiner rejected Claim 5 under 35 USC § 103(a) as being unpatentable over Ito and Hurn, and further in view of US Patent No. 6,615,701 ("Hollinger"). Reconsideration and withdrawal of these rejections are respectfully requested.

Applicants note that Ito, Hurn, Avakian and Hollinger, whether individually or in combination, do not show a lowermost portion of the gear housing directly underneath the motor shaft that is higher than the arbor. The Examiner argues that such lowermost portion can be the points 1, 2 or 3 shown in the modified FIG. 3 of Ito.

However, those points are not the lowermost portion(s). Attached as Exhibit A is a print-out of the definition "lowermost" according to the Merriam-Webster Online Dictionary (www.m-w.com). "Lowermost" means "lowest."

Such definition is further supported by the explicit language in the claim defining the lowermost portion as "the portion of the gear housing directly below the motor shaft closest to the support surface."

Referring to modified FIG. 3, points 1, 2 and 3 are not the lowermost portion of the gear housing, since the gear housing has lower points directly underneath points 1, 2 and 3. In

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particular, the portions of the housing right above numerals "33" and "39a" (both instances) are lower than points 1, 2 and 3, respectively. Thus, points 1, 2 and 3 cannot be the lowermost points.

By contradistinction, Claim 1 calls for a "gear housing having an outer lowermost exposed portion directly below the motor shaft." This "outer lowermost exposed gear housing portion is higher than the arbor." Because the cited references do not show, teach or suggest such arrangement, they cannot render unpatentable Claim 1 and its dependent claims.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1-7 and 34-35 are respectfully requested.

The Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Adan Ayala, Reg. No. 38,373
Attorney for Applicants
(410) 716-2368



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lowermost

One entry found.

Main Entry: **lowermost**

Pronunciation: *lōō-ər-mōst*

Function: *adjective*

Date: 1547

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"lowermost." *Merriam-Webster Online Dictionary*. 2008.
Merriam-Webster Online. 5 November 2008
<<http://www.merriam-webster.com/dictionary/lowermost>>

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lowermost. (2008). In *Merriam-Webster Online Dictionary*. Retrieved November 5, 2008, from <http://www.merriam-webster.com/dictionary/lowermost>

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